

IN THE UNITED STATES BANKRUPTCY COURT, DISTRICT OF PUERTO RICO

IN RE: ALBERTO PACHECO QUINONES
DAISY DE JESUS RIVERA

Bkrtcy. No. 11-03946-MCF

Chapter 13

STANDING CHAPTER 13 TRUSTEE \$341 MEETING MINUTES
AND REPORT ON CONFIRMATION

Petition Filing Date: <u>May 10, 2011</u>	Meeting Date: <u>Jun 13, 2011</u>	DC Track No. <u>15</u>						
Days from petition date: <u>34</u>	Meeting Time: <u>11:00 AM</u>							
910 Days before Petition: <u>11/11/2008</u>	<input type="checkbox"/> Chapter 13 Plan Date: <u>May 06, 2011 Dkt.# 2</u>	<input type="checkbox"/> Amended.						
This is debtor(s) <u>1st</u> Bankruptcy petition.	Plan Base: <u>\$66,704.00</u>							
This is the <u>1st</u> Scheduled Meeting	Confirmation Hearing Date: <u>Jul 22, 2011</u>	Time: <u>1:30 PM</u>						
Payment(s) <input type="checkbox"/> Received or <input type="checkbox"/> Evidence shown at meeting:	<table border="1"> <thead> <tr> <th>Ck/MO No.</th> <th>Date</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>Total Paid In: <u>\$726.00</u></td> </tr> </tbody> </table>	Ck/MO No.	Date	Amount			Total Paid In: <u>\$726.00</u>	
Ck/MO No.	Date	Amount						
		Total Paid In: <u>\$726.00</u>						

I. Appearances: <input type="checkbox"/> Telephone <input type="checkbox"/> Video Conference <input checked="" type="checkbox"/> Debtor Present <input checked="" type="checkbox"/> ID & Soc. OK <input type="checkbox"/> Debtor Absent <input checked="" type="checkbox"/> Joint Debtor Present <input checked="" type="checkbox"/> ID & Soc. OK <input type="checkbox"/> Joint Debtor Absent Debtor(s) was/were <input type="checkbox"/> Examined <input type="checkbox"/> Not Examined under oath. Attorney for Debtor(s) <input type="checkbox"/> Present <input type="checkbox"/> Not Present <input type="checkbox"/> Substitute attorney: <u>Maria Lube</u> <input type="checkbox"/> Pro-se.		<input checked="" type="checkbox"/> Creditor(s) present: <input type="checkbox"/> None. <u>Parris - General Electric</u> <u>Melchor - Bank</u>
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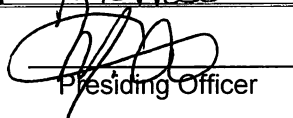
II. Attorneys Fees as per R 2016(b) Statement		Attorney of record: <u>LUBE & SOTO LAW OFFICES*</u>
Total Agreed: <u>\$3,000.00</u>	Paid Pre-Petition: <u>\$350.00</u>	Outstanding: <u>\$2,650.00</u> THROUGH THE PLAN

III. Trustee's will file Motion to Dismiss: <input type="checkbox"/> For Failure to appear; <input type="checkbox"/> For Failure to commence payments.

IV. Trustee's Report on Confirmation & Status of \$341 Meeting	
Debtor(s) Income is (are) <input checked="" type="checkbox"/> Under <input type="checkbox"/> Above Median Income.	Liquidation Value: <u>\$58,519.00</u> TBD
Commitment Period is <input checked="" type="checkbox"/> 36 <input type="checkbox"/> 60 months. [§1325(b)(1)(B)]	Gen. Unsecured Pool: <u>0</u>
<u>96.44%</u> <u>The Trustee</u> <input type="checkbox"/> RECOMMENDS <input type="checkbox"/> OBJECTS <u>Plan confirmation.</u>	
§341 Meeting <input type="checkbox"/> CONTINUED <input type="checkbox"/> NOT HELD <input type="checkbox"/> CLOSED <input type="checkbox"/> HELD OPEN FOR ___ DAYS	
§341 Meeting Rescheduled for: <u>July 11, 2011 at 1:00 pm</u>	

V. Trustee's OBJECTIONS to Confirmation:	
<input type="checkbox"/> FEASIBILITY [§1325(a)(6)]	<input checked="" type="checkbox"/> INSUFFICIENTLY FUNDED <input type="checkbox"/> To pay \$507 <input type="checkbox"/> Fails Creditor's Best Interest Test §1325(A)(4)
<input type="checkbox"/> FAILS DISPOSABLE INCOME REQUIREMENTS	<input type="checkbox"/> Failure to comply with Tax returns requirements. [§1308]
<input type="checkbox"/> Failure to comply with DSO requirements	<input type="checkbox"/> Plan not filed in Good Faith §1325(a)(3) <input type="checkbox"/> Unfair Discrimination §1322(a)(3)

ADDITIONAL OBJECTIONS / COMMENTS:
<u>Debtor must submit copy of lease agreement.</u> <u>Debtor refinanced property and obtained \$21,000.00.</u> <u>They refinanced the property in July 2010.</u> <u>They testified they paid the money received</u> <u>to a person named Erick</u>

/s/ José R. Carrión
Trustee

 Presiding Officer

ADDITIONAL OBJECTIONS / COMMENTS:

Debtor must submit a copy of the appraisal of the property located at Abdulia Ward, Santa Isabel.

The plan contemplates a step up after the maturity date of the vehicle refinanced by first hearing.

Debtor will review the Plan to determine if they want to amend it to eliminate the payment 100% + 6% to unsecured claims because they think is not necessary. The claimed amounts in the Claim Register exceeds the liquidation value.

The Trustee will verify comparable sales of property located at and will inform if an appraisal is necessary.

This hearing will be continue because the Trustee need to evaluate what Debtor do with the \$2,000.00 received with the financing of their residential property. Therefore, Debtor must provide to the Trustee:

① Evidence of the money received as a result of the refinance.

② Deed of Sale of piece of land located at Abdulia Ward, Santa Isabel. Deed of transfer of said lot from purchaser to Debtor.

③ Evidence of payment to purchaser (Erick).

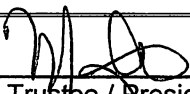
Debtor testified they sold a property but the purchaser requested the return of the money paid. Thus, they refinanced

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ADDITIONAL OBJECTIONS / COMMENTS:

Over residential property to the purchaser.
They did not remember the person name.
They believe his first name is Erick.


Trustee / Presiding Officer

Date: June 13, 2011